



In February 1995 claimant began experiencing problems with her right knee which she attributed to the physical therapy, aerobic exercises and walking with an altered gait from her work-related low back condition. Claimant contends that her right knee injury is work related and compensable because it is a direct and natural consequence of the compensable low back injury. See Reese v. Gas Engineering & Construction Co., 219 Kan. 536, 548 P.2d 746 (1976). Respondent disputes claimant's allegation that her right knee condition is the result of her February 3, 1994 back injury. Respondent points to the fact that claimant had problems with her knees in 1991 which resulted in a recommendation by Dr. Knappenberger in June of 1992 for arthroscopic surgery of the knee. Claimant settled her prior back and knee claims against respondent in December 1992. It is respondent's contention that her present right knee complaints stem from her prior condition and are not the result of any new injury or trauma and, specifically, are not the result of the work-related back injury of February 1994.

Claimant testified that following the settlement of her workers compensation claims in 1992, her condition improved to the point that surgery was not needed. She contends that she was symptom free prior to her February 1994 accident. In addition, she did not experience any problems with her right knee following her 1994 accident until she participated in the physical therapy and low impact aerobic exercises beginning in January 1995.

The physician that treated claimant both for her 1991 and her 1994 injuries, Dr. Knappenberger, issued a report dated May 19, 1995 in which he stated the following:

"Marilyn McLeod does have a history of some problems with her knee in the past. We had considered the possibility of arthroscopy of her knee a few years ago but apparently it improved and did not require any further arthroscopy treatments. She was not complaining of any knee pain upon the onset of the back discomfort. She did start complaining of knee pain after we initiated some physical therapy. There was no evidence of effusion or swelling within the knee prior to that time. She has had effusion and swelling of her knee since the initiation of physical therapy. The physical therapy was started for her back problem; therefore, the knee is not in direct relationship to her back but it has been aggravated by physical therapy which was recommended for her back condition."

The Appeals Board finds, based upon the testimony of the claimant and the medical opinion of the treating physician, Dr. Knappenberger, that it is more probably true than not true that the claimant's present right knee problems are a direct and natural consequence of the physical therapy, aerobic exercise and altered gait resulting from the work-related and compensable low back injury.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge James R. Ward dated August 11, 1995 should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: George H. Pearson, Topeka, KS  
Gregory J. Bien, Topeka, KS  
Michael J. Unrien, Topeka, KS  
James R. Ward, Administrative Law Judge  
Philip S. Harness, Director